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May 9, 2024

BY ECF

Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

RE: *Skillz Platform Inc. v. Papaya Gaming, Ltd., et al.* No. 1:24-cv-1646-DLC

Dear Judge Cote:

We write on behalf of Plaintiff and Defendants in the above-referenced matter in advance of the May 10, 2024 initial pretrial conference. The parties have met and conferred, but have not reached an agreement on the discovery and motion schedule, nor whether discovery should be stayed during the pendency of the motion to dismiss. The parties respectfully submit their proposed schedules, which they are prepared to address at the conference.

Plaintiff's Proposal

- Rule 26(a)(1) disclosures exchanged on May 24, 2024.
- Document discovery substantially complete by August 30, 2024. All fact discovery complete by October 31, 2024.
- Disclosure of experts who will testify as to issues on which disclosing party bears burden of proof on October 15, 2024. Opening reports due December 6.

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2024, Responsive reports due January 24, 2025. Rebuttal reports (if any) due February 12, 2025. Expert discovery complete March 28, 2025.

- Summary judgment and *Daubert* motions due April 28, 2025. If no dispositive motions, parties shall file joint pretrial materials April 28, 2025.

Defendants' Proposal

1. Rule 26(a)(1) disclosures shall be exchanged within two weeks of Defendants' filing of an answer and any counterclaims.
2. Discovery shall commence one week following the exchange of Rule 26(a)(1) disclosures.
3. The deadline for Plaintiff to add additional parties or to file an amended Complaint without leave of Court shall be 5 months from the Commencement of Discovery.
4. The deadlines for Defendants to answer, to add additional parties without leave of Court, and to file amended pleadings without leave of Court shall be set at a later date after disposition of Defendants' pending motion.
5. Each party shall disclose the identity of all expert witnesses that it anticipates will provide testimony on issues on which the party bears the burden of proof no later than 9 months from the Commencement of Discovery.
6. All fact discovery must be completed within 11 months from the Commencement of Discovery.
7. Each party shall provide expert reports from each expert witness that it anticipates will provide testimony on issues that it bears the burden of proof within 12 months from the Commencement of Discovery.
8. The identity of any expert that a party contends shall provide expert testimony solely in opposition to an expert disclosed by a party to provide testimony on issues on which it bears the burden of proof shall be disclosed within 3 weeks of the disclosure of the report to which the opposition is offered.
9. Responsive expert reports shall be served within 1 month of the disclosure of the report to which the expert responds.

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10. Rebuttal expert reports on an issue for which a party bears the burden of proof, if any, shall be served within 3 weeks of the disclosure of the report to which the expert responds.
11. All expert discovery shall be completed within 15 months from the Commencement of Discovery.
12. Dispositive motions shall be filed within 16 months from the Commencement of Discovery.
13. Oppositions to dispositive motions shall be filed within 30 days of the filing of the dispositive motion.
14. Replies in support of dispositive motions shall be filed within two weeks of the filing of the opposition to the dispositive motion.
15. The date to submit a pretrial order shall be determined by the Court after the disposition of any dispositive motions. If no dispositive motions are contemplated, Plaintiff shall supply Defendants with joint pretrial order materials within 10 days of the close of fact discovery, and the parties shall submit a joint pretrial order no later than 30 days after the close of discovery.

Respectfully submitted,

/s/ Anthony J. Dreyer
Anthony J. Dreyer

cc: All counsel of record (by ECF and email)